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**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

JAZZ PHOTO CORP., through its Liquidating Trustee  
BRIAN T. MOORE,

Plaintiff,

v.

DREIER LLP, f/k/a DREIER & BARITZ LLP,  
JOHN CROSSMAN and KAPLAN & GILMAN,  
L.L.P.,

Defendants.

CIVIL ACTION NO. 05-5198  
(DRD)

**ORDER**

Defendants having moved pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss that portion of the complaint alleging malpractice for Defendants' failure to argue the prospective-only application of the decision of the Court of Appeals for the Federal Circuit in Jazz v. ITC, and the Court having reviewed the submissions of the parties and having heard the arguments of counsel; and for the reasons set forth in the opinion of even date,

IT IS on this 15<sup>th</sup> day of March 2006, ORDERED that Defendants' motion is Granted, and that portion of the complaint alleging malpractice for Defendants' failure to argue the prospective-only application of the decision of the Court of Appeals for the Federal Circuit in Jazz v. ITC is hereby dismissed.

/s/ Dickinson R. Debevoise  
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Dickinson R. Debevoise, U.S.S.D.J.